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Supreme Court, U.S.
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IN THE
Supreme Court of the United States

THE NEW YORK TIMES COMPANY,

*Petitioner,*

*v.*

STEVEN J. HATFILL,

*Respondent.*

**On Petition for a Writ of Certiorari to the United States Court of Appeals for the Fourth Circuit**

# BRIEF *AMICI CURIAE* OF THE HEARST CORPORATION; ABC, INC.; AMERICAN SOCIETY OF NEWSPAPER EDITORS; THE ASSOCIATED PRESS; ASSOCIATION OF AMERICAN PUBLISHERS, INC.; BALTIMORE SUN; BELO CORP.; CABLE NEWS NETWORK LP, LLLP; CHICAGO TRIBUNE; COX ENTERPRISES, INC.; DAILY NEWS, L.P.; DOW JONES & COMPANY, INC.; THE E.W. SCRIPPS COMPANY; FISHER COMMUNICATIONS, INC.; FORBES INC.; FREEDOM COMMUNICATIONS, INC.; GANNETT CO., INC.; LANDMARK COMMUNICATIONS, INC.; LOS ANGELES TIMES; THE MCGRAW-HILL COMPANIES, INC.; NATIONAL ASSOCIATION OF BROADCASTERS; NBC UNIVERSAL, INC.; NEWSDAY; NEWSPAPER ASSOCIATION OF AMERICA; THE NEW YORK PRESS CLUB, INC.; RADIO-TELEVISION NEWS DIRECTORS ASSOCIATION; REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS; REUTERS AMERICA LLC; SOCIETY OF PROFESSIONAL JOURNALISTS; TIME INC.; U.S. NEWS & WORLD REPORT, L.P.; AND THE WASHINGTON POST IN SUPPORT OF PETITIONER

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## TABLE OF CONTENTS

TABLE OF AUTHORITIES ..... ii
INTEREST OF *AMICI CURIAE* ..... 1
INTRODUCTION ..... 2
SUMMARY OF ARGUMENT ..... 3
ARGUMENT ..... 5
I. COURTS ARE DIVIDED OVER THE LEVEL OF PROTECTION AFFORDED REPORTING ON GOVERNMENT INVESTIGATIONS. ..... 5
A. Inconsistent Interpretations of the Common Law Leave the Press Vulnerable to Lawsuits Based on Accurate Reporting of Government Activities. ..... 5
B. Some Courts Protect the Press from Liability for Accurate Reports on Government Actions and Other Matters of Public Interest, But the Holdings Are Inconsistent and Unevenly Applied. ..... 10
II. THE COURT SHOULD GRANT CERTIORARI AND ENFORCE A FIRST AMENDMENT LIMIT ON COMMON LAW DEFAMATION LIABILITY FOR PRESS REPORTS ON GOVERNMENT ACTIONS. ..... 15
CONCLUSION ..... 19

## TABLE OF AUTHORITIES

### CASES

*Action Repair, Inc. v. American Broadcasting Cos.*, 776 F.2d 143 (7th Cir. 1985) ..... 13

*April v. Reflector-Herald, Inc.*, 546 N.E.2d 466 (Ohio Ct. App. 1988) ..... 14

*Barry v. Time Inc.*, 584 F. Supp. 1110 (N.D. Cal. 1984) ..... 14

*Basilius v. Honolulu Publishing Co.*, 711 F. Supp. 548 (D. Haw. 1989), *aff'd*, 888 F.2d 1394 (9th Cir. 1989) (unpublished table decision) ..... 12

*Brown v. Hearst Corp.*, 862 F. Supp. 622 (D. Mass. 1994), *aff'd*, 54 F.3d 21 (1st Cir. 1995) ..... 13

*Catalano v. Pechous*, 419 N.E.2d 350 (Ill. 1980) ..... 14

*Chapin v. Knight-Ridder, Inc.*, 993 F.2d 1087 (4th Cir. 1993) ..... 6, 7, 10

*Cianci v. New Times Publishing Co.*, 639 F.2d 54 (2d Cir. 1980) ..... 6

*Condit v. Dunne*, 317 F. Supp. 2d 344 (S.D.N.Y. 2004) ..... 13-14

*Cox Broadcasting Corp. v. Cohn*, 420 U.S. 469 (1975) ..... 16, 18

*Crane v. Arizona Republic*, 972 F.2d 1511 (9th Cir. 1992) ..... 7

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*Dorsey v. National Enquirer, Inc.*, 973 F.2d 1431 (9th Cir. 1992) ..... 8

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*Estes v. Texas*, 381 U.S. 532 (1965) ..... 1

*Foley v. Lowell Sun Publishing Co.*, 533 N.E.2d 196 (Mass. 1989) ..... 11

*Forsher v. Bugliosi*, 608 P.2d 716 (Cal. 1980) ..... 11

*Garrison v. Louisiana*, 379 U.S. 64 (1964) ..... 18

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*Hurst v. Capital Cities Media, Inc.*, 754 N.E.2d 429 (Ill. App. Ct. 2001) ..... 9

*Hustler Magazine v. Falwell*, 485 U.S. 46 (1988) ..... 16, 17

*Jackson v. Paramount Pictures Corp.*, 80 Cal. Rptr. 2d 1 (Cal. Ct. App. 1998) ..... 6, 12

*Janklow v. Newsweek, Inc.*, 759 F.2d 644 (8th Cir. 1985) ..... 12

*Janklow v. Newsweek, Inc.*, 788 F.2d 1300 (8th Cir. 1986) ..... 13

*Jewell v. NYP Holdings*, 23 F. Supp. 2d 348 (S.D.N.Y. 1998) ..... 6, 12

*Jones v. Taibbi*, 512 N.E.2d 260 (Mass. 1987) ..... 6, 9, 13

*KTRK Television v. Felder*, 950 S.W.2d 100 (Tex. Ct. App.-Hous. [14th Dist.] 1997) ..... 13

*Lee v. Dong-A Ilbo*, 849 F.2d 876 (4th Cir. 1988) ..... 6

*Levin v. McPhee*, 119 F.3d 189 (2d Cir. 1997) ..... 13

*Liberty Lobby, Inc. v. Dow Jones & Co.*, 838 F.2d 1287 (D.C. Cir. 1988) ..... 6

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*McIlvain v. Jacobs*, 794 S.W.2d 14 (Tex. 1990) ..... 6, 12

*Medico v. Time, Inc.*, 643 F.2d 134 (3d Cir. 1981) ..... 8, 9

*Mills v. Alabama*, 384 U.S. 214 (1966) ..... 1, 10, 18

*Moreno v. Crookston Times Printing Co.*, 610 N.W.2d 321 (Minn. 2000) ..... 7, 8

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*Norton v. Glenn*, 860 A.2d 48 (Pa. 2004), *cert. denied*, 125 S. Ct. 1700 (2005) ..... 15

*Old Dominion Branch No. 496 v. Austin*, 418 U.S. 264 (1974) ..... 17

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*Postill v. Booth Newspapers, Inc.*, 325 N.W.2d 511 (Mich. Ct. App. 1982) ..... 15

*Price v. Viking Penguin, Inc.*, 881 F.2d 1426 (8th Cir. 1989) ..... 11, 14

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## INTEREST OF *AMICI CURIAE*[1]

*Amici* are 32 newsgathering entities, media organizations, and reporters' groups from across the country whose reporters and members regularly report on government investigations.[2] As members of the press, *Amici* represent what this Court has called the "constitutionally chosen means for keeping officials elected by the people responsible to all the people whom they were selected to serve." *Mills v. Alabama*, 384 U.S. 214, 219 (1966). *Amici* take this public responsibility seriously and have a strong interest in ensuring that the press retains its historic role as "a mighty catalyst in awakening public interest in governmental affairs, exposing corruption among public officers and employees and generally informing the citizenry of public events and occurrences," *Estes v. Texas*, 381 U.S. 532, 539 (1965).

*Amici* are regularly confronted with the question whether and how to report on government investigations or other government statements or actions that are of obvious public import but that carry with them the risk that the media, as the messenger of a truthful report about government activity, will be held liable for a perceived implication that the target of an investigation or governmental allegations is in fact guilty of wrongdoing. This case vividly illustrates the point, for the investigation at issue dealt with a matter of the utmost public interest and concern – biological terrorism that had already taken several lives.

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[1] Counsel of record for the parties have consented to the filing of this brief, and letters of consent have been filed with the Clerk. Pursuant to Rule 37.6, *Amici* certify that no counsel for a party authored this brief in whole or in part and that no person or entity, other than *Amici* or their counsel, contributed monetarily to the preparation or submission of this brief.

[2] A complete list of *Amici* is set out in the Appendix to this brief.